

HOUSE BILL 413

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 56, Chapter 7; Title 63, Chapter 6; Title 63,
Chapter 9 and Title 68, relative to physicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 33, Chapter 2, Part 4, is amended by
adding a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate
medical education required by the board of medical examiners or the board of
osteopathic examination intended to provide medical professionals with
knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic
recertification examinations or other activities to maintain specialty medical board
certification;

(3) "Maintenance of licensure" means the proprietary framework for
physician license renewal established through the Federation of State Medical
Boards or its successor organization, which includes additional periodic testing or
requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board
that specializes in one (1) particular area of medicine and typically requires
additional examinations than the requirements of the board of medical examiners
or board of osteopathic examination to practice medicine.

(b) No facility licensed under this chapter shall deny a physician a hospital's staff privileges based solely on the physician's decision not to participate in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. This section does not prevent a facility's credentials committee from requiring physicians licensed pursuant to title 63, chapters 6 and 9, to meet continuing medical education requirements, as outlined in the rules of the appropriate state licensing board.

(c) A facility licensed under this chapter shall not deny physician hospital staff or admitting privileges or employment based solely on the absence of maintenance of certification. This section does not prohibit a facility from requiring a physician to undergo remedial or corrective courses or training as required by a quality improvement committee.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of medical examiners intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires

additional examinations than the board of medical examiners' requirements to practice medicine.

(b) The board shall not deny physician licensure based solely on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board re-certification or any maintenance of certification to practice medicine in this state.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of osteopathic medical examination intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires

additional examinations than the board of osteopathic medical examination requirements to practice medicine.

(b) The board shall not deny physician licensure based solely on a physician's non-participation in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, demonstrate professional competency.

(c) The board shall not require any form of specialty medical board re-certification or any maintenance of certification to practice medicine in this state.

SECTION 4. Tennessee Code Annotated Title 68, Chapter 11, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means continued postgraduate medical education required by the board of medical examiners or the board of osteopathic examiners intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires

additional examinations than the board of medical examiners' or board of osteopathic examination's requirements to practice medicine.

(b) No facility licensed under this chapter shall deny a physician staff privileges at a hospital based solely on the physician's decision not to participate in any form of maintenance of licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. This section does not prevent a facility's credentials committee from requiring physicians licensed pursuant to title 63, chapters 6 and 9, to meet continuing medical education requirements, as set forth in the rules of the appropriate state licensing board.

(c) A facility licensed under this chapter shall not deny a physician staff or admitting privileges or employment to a physician based solely on the absence of any form of specialty medical board certification or any maintenance of certification. This section does not prohibit a facility from requiring a physician to undergo remedial or corrective courses or training as required by a quality improvement committee.

SECTION 5. Tennessee Code Annotated Title 56, Chapter 7, Part 10, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section:

(1) "Continuing medical education" means board of medical examiners or board of osteopathic examination required continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification" means any process requiring periodic recertification examinations or other activities to maintain specialty medical board certification;

(3) "Maintenance of licensure" means the proprietary framework for physician license renewal established through the Federation of State Medical Boards or its successor organization, which includes additional periodic testing or requirements other than continuing medical education; and

(4) "Specialty medical board certification" means certification by a board that specializes in one (1) particular area of medicine and typically requires additional examinations than the board of medical examiner's or board of osteopathic examinations' requirements to practice medicine.

(b) A health insurance entity, as defined in § 56-7-109, shall not deny reimbursement to, or prevent a physician from, participating in any of the entity's provider networks based solely on a physician's decision not to participate in any form of maintenance of licensure or maintenance of certification.

(c) A health insurance entity, as defined in § 56-7-109, shall not discriminate with respect to reimbursement levels based solely on a physician's decision not to participate in any form of maintenance of licensure or maintenance of certification.

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it.